

DEPUTY DISTRICT JUDGE

TERMS AND CONDITIONS OF APPOINTMENT

INTRODUCTION

1. Section 8 of the County Courts Act 1984 provides for the appointment of Deputy District Judges by the Lord Chancellor.
2. This document contains information about the terms and conditions of appointment, which should be understood and agreed by all those accepting appointment. These terms and conditions are correct as at the date given at the end of this document, but may in some circumstances be subject to change.

FREEMASONRY

3. Following the Government's response to the Report of the House of Commons Select Committee on Freemasonry in the Police and the Judiciary, anyone being appointed for the first time to a judicial office is asked as a condition of appointment whether they belong to the Freemasons and, if not, that they notify the Lord Chancellor in the event that they subsequently join them. Judicial post holders must expect that this information may be included in a public register.

TRAINING

4. Before sitting alone, all newly-appointed deputies must complete a period of sitting-in with an experienced District Judge for a minimum of 5 days and are expected to attend a 5 day residential induction course arranged by the Judicial Studies Board. Deputies are required to attend post-appointment training courses organised by the Judicial Studies Board. Failure to attend such courses might result in a Deputy being removed from office.
5. Successful candidates will be notified of the Circuit to which they have been assigned. The Regional Director or Area Director will inform them, within 6-8 weeks, of the name of the Supervising District Judge (who will oversee the training) and of the training arrangements. The Judicial Studies Board will, within the same period, notify them of the dates of the next Induction Course for deputies, and make arrangements for their attendance on it.

APPRAISAL & MENTORING

6. The Circuit Appraisal Judge will contact the newly appointed Deputy District Judge with regard the Appraisal and Mentoring Scheme.
7. After sitting-in with an experienced District Judge and before commencing to sit as a Deputy District Judge, the Deputy will be asked to nominate a number of District Judges (usually three) whom the Deputy District Judge would be content to have as his/her Mentor. The Appraisal Co-ordinator for the Courts Group(s) in question will select a Mentor having regard to but not being limited to the Deputy District Judge's nominations.
8. For newly appointed Deputies, there will be one appraisal towards the end of the first six months after they have commenced sitting, a further appraisal towards the end of the second six months, and – if the Appraisal Co-ordinator so decides – a third appraisal in the next six months.

DURATION OF APPOINTMENT

9. An appointment as a Deputy District Judge is for a (renewable) period of five years, subject to the upper age limit.

RENEWAL OF APPOINTMENT

10. At the end of the initial five-year appointment, renewal for further successive periods of five years is automatic subject to the individual's agreement and the upper age limit unless a question for non-renewal is raised, or the individual no longer satisfies the conditions or qualifications for appointment.
11. There are seven grounds for non-renewal:
 - a. Incapacity;
 - b. misbehaviour; including
 - c. persistent failure to comply with sitting requirements (without good reason);
 - d. failure to comply with training requirements;
 - e. sustained failure to observe the standards reasonably expected from a holder of such office;
 - f. part of a reduction in numbers because of changes in operational requirements;
 - and
 - g. part of a structural change to enable recruitment of new Deputy District Judges.
12. All decisions not to renew on grounds (a) – (e) are taken by the Lord Chancellor with the concurrence of the Lord Chief Justice. Such decisions are taken following an investigation conducted by a judge, who will report to the Lord Chancellor and the Lord Chief Justice.
13. All decisions not to renew on grounds (f) or (g) will be on a “first in, first out” principle, and the decision to use such grounds and the extent to which they will be used will be taken by the Lord Chancellor with the concurrence of the Lord Chief Justice.
14. Deputy District Judges may choose to end their appointment by resignation or by declining to accept renewal on completion of a term.

UPPER AGE LIMIT

15. The Lord Chancellor will not normally extend the appointment of a Deputy District Judge beyond the age of 70.

SITTINGS

16. This appointment carries an obligation to sit at any courts centre in the country in the exercise of the relevant jurisdiction. It should not be seen as conferring any expectation of any given level of future sittings, nor of any level of future sittings at a particular location.
17. The Lord Chancellor, in consultation with the Lord Chief Justice, has decided that all fee-paid office holders in this jurisdiction should be offered and required to sit a minimum of 15 days a year. A Deputy District Judge may be expected to sit for more than the minimum subject to the availability of work and individual circumstances. A Deputy District Judge may sit up to a maximum of 50 days a year. These figures may be subject to general adjustment from time to time, in the light of operational circumstances: any changes will be announced. The Lord Chancellor and the Lord Chief Justice regard it as the personal responsibility of a Deputy District Judge to ensure that they meet their sitting obligations unless, in exceptional circumstances, it is rendered impossible by the performance of other public duties.
18. A Deputy District Judge should plan to make him or herself available for judicial business between the hours of 9.30 am and 4.30 pm. However, practice can vary and Deputy District Judges should observe the requirements of the courts. It is likely that, besides hearings, a Deputy District Judge will be expected to complete an

amount of judicial paperwork which will be allocated, on the instructions of the District Judge, by courts staff.

OTHER JUDICIAL WORK

19. There is no objection in principle to an individual holding more than one judicial appointment.
20. The holder of full-time judicial office may, subject to suitability, sit as a fee-paid Deputy District Judge and will be required to give the minimum 15 days. However, the Lord Chancellor and the Lord Chief Justice expect holders of salaried judicial office to give priority to the duties of that office and arrangements for other sittings as a Deputy District Judge are subject to agreement between the office-holder, the Courts Service and the Judicial Office for England & Wales.

CONFLICTS OF INTEREST

21. The governing principle is that no person should sit in a judicial capacity in any circumstances, which would lead an objective onlooker with knowledge of all the material facts reasonably to suspect that the person might be biased. As a general principle therefore, a legal practitioner ought not to sit as a Deputy District Judge, or to appear, at a county courts or elsewhere if he or she is liable to be embarrassed in either capacity by doing so.
22. As a general rule, it is undesirable for fee-paid judicial office holders who are legal practitioners to sit at courts where he or she or any partner or employee of theirs regularly practises. This is to help avoid them being assigned to adjudicate in a case (or several cases) from which they would have to stand down. If a fee-paid judicial office holder who is a legal practitioner does sit at such a courts then the Lord Chancellor and the Lord Chief Justice regard it as the personal responsibility of the judicial office holder (and not that of the courts staff) to ensure, as far as possible, that he or she avoids any potential conflict of interest which might require him or her to stand down from a particular case.
23. Fee-paid judicial office holders: -
 - (i) should not sit in cases involving their own firms or clients or otherwise where to do so could give rise to the perception of prejudice in the administration of justice.
 - (ii) should comply with the existing case law governing pecuniary or other interests in deciding whether to declare an interest in, or to stand down from, a particular case e.g. "*Locabail (UK) Ltd v Bayfield Properties Ltd and Another* [2000] Q.B 451; *In re Medicaments and Related Classes of Goods (No 2)* [2001] 1 W.L.R 700; and *Lawal v Northern Spirit Limited* [2003] UKHL 35".
 - (iii) should not sit on a case if they have a personal, professional or pecuniary interest in that case, or if any business or practice of which they are members in any capacity have such an interest.
24. Fee-paid judicial office holders are expected to refrain from any activity, political or otherwise, which would conflict with their judicial office or be seen to compromise their impartiality, having regard for example to the comments of the Courts of Appeal in the case of *Locabail*. They should also be aware of the risk of a perceived lack of impartiality arising from published articles or public pronouncements, etc. (*Timmins v Gormley* [(2000) 2 WLR 870]). Fee-paid judicial office holders should exercise caution in any reference to their appointment on, for example, letterheads or in chambers advertising literature. Fee-paid holders hold office only when they are serving judicially and should not use their appointment as a means of pursuing personal, professional or commercial advantage.

JUDICIAL CONDUCT

25. The public both deserves and expects the highest standards of conduct from those who hold judicial office. Without prejudice to the paragraphs below, a Deputy District Judge should notify the Lord Chief Justice at the earliest opportunity if they are aware of any matters relating to conduct which may affect their position or may reflect on the standing and reputation of the judiciary at large.
26. A Deputy District Judge should also notify the Lord Chief Justice if they get into serious financial difficulties, particularly if legal proceedings appear to be likely to be, or have actually been, initiated. They should also inform the Lord Chief Justice of any complaint made against them by their professional body, whether it relates to their professional or judicial capacity. Office holders must notify the Lord Chief Justice if they are involved, or likely to be involved in any courts proceedings.
27. Where, either before or after he/she has commenced service, an office holder is cautioned for, or charged with, any criminal offence, other than a parking or speeding offence without aggravating circumstances, i.e. an offence for which a period of disqualification, or at least 6 penalty points, are imposed, or which results in a total of more than 6 currently accumulated penalty points, he/she should report the matter at once to the Lord Chief Justice and should keep him informed of the progress and outcome of the case. Failure to do so could itself in some cases amount prima facie to misbehaviour. Convictions for some offences, including some motoring matters, need not necessarily be regarded as being incompatible with continuing to hold judicial office. However, if a judicial office holder were convicted of a grave offence, for instance one involving violence to persons, dishonesty or moral turpitude, the Lord Chancellor and the Lord Chief Justice would regard themselves as having cause to consider the exercise of their powers to remove the individual from office on the grounds of misbehaviour; and the Lord Chancellor and the Lord Chief Justice regard a conviction for an offence of driving while under the influence of alcohol or drugs as so grave as to amount prima facie to misbehaviour.
28. The public must be entitled to expect all Judicial office holders to maintain at all times proper standards of courtesy and consideration. They do not regard behaviour which could cause offence, particularly on racial or religious grounds, or amounting to sexual harassment, as consistent with the standards expected of those who hold judicial office. A substantiated complaint of conduct of this kind, whether or not previous complaints have also been made, is in their view capable of being regarded as misbehaviour.
29. The exercise of the Lord Chancellor's and the Lord Chief Justice's disciplinary powers are governed by regulations made by the Lord Chief Justice under sections 115 and 117 of the Constitutional Reform Act 2005. They enable any observations which the office holders may wish to make on the matter to be taken fully into account. The Lord Chancellor and the Lord Chief Justice will not consider the exercise of the powers vested in them in respect of judicial conduct without serious cause and the most careful deliberation.

REMOVAL FROM OFFICE

30. The Lord Chancellor may if he thinks fit terminate the appointment of the Deputy District judge on specified grounds. There are five grounds for removal from appointment:
 - a) Incapacity;
 - b) misbehaviour; including
 - c) failure to comply with training requirements;
 - d) persistent failure to comply with sitting requirements (without good reason);and

- e. sustained failure to observe the standards reasonably expected from a holder of such office.
31. All decisions to remove are taken by the Lord Chancellor with the concurrence of the Lord Chief Justice. Such decisions are taken in accordance with the procedures contained in the Regulations referred to at paragraph 29 above.

FEES, INCOME TAX AND NI CONTRIBUTIONS

32. The post is non-salaried and non-pensionable. A Deputy District Judge will receive a fee for each day sat.
33. It is a general principle that Crown servants in receipt of a salary do not normally receive additional remuneration for public offices held, or work undertaken, concurrently on a fee-paid basis. While there may be circumstances (e.g. where it can be demonstrated that the judicial sittings are undertaken during a period of unpaid leave from the primary office or employment) where daily sitting fees may be payable, in general salaried public office holders and public servants paid by Central Government will receive no remuneration for any fee-paid judicial offices held concurrently.
34. Fee-paid judicial office-holders who are practitioners or private sector employees are expected to be open and transparent with their firm, chambers or primary employer in terms of the arrangements, including financial arrangements, relating to their judicial appointment. It is essential that remuneration arrangements, and any uncertainties surrounding particular individual circumstances, should be resolved at the time of appointment or at the earliest opportunity following a material change of circumstances during a period of service. The same expectations apply to those fee-paid judicial office-holders who are employed by, or are officers of, local government.
35. Deputy District Judges are regarded as holders of an office for tax and National Insurance purposes. Fees payable will, as a result, be chargeable to tax under Schedule E of the Taxes Act and subject to Class 1 National Insurance contributions. These liabilities will be deducted via the Ministry of Justices' payroll system and the net fee paid to the office-holder. Fees are not subject to VAT.
36. It would be helpful and avoid confusion, if in any correspondence with HM Revenue & Customs regarding fees and allowances attributable to any fee-paid office, and with HM Revenue & Customs National Insurance Contributions Office regarding deferment of payment or refund of National Insurance contributions, office holders would give as the address for the fee paying authority, the appropriate tribunal and mention the fact that they are office holders, and not employees of the Ministry of Justice.

TRAVELLING AND NIGHT SUBSISTENCE ALLOWANCES

37. Travelling expenses and in certain circumstances night subsistence allowances may be payable in connection with sittings, attendance at training courses etc. A Deputy District Judge travelling by rail to a centre where they have been asked to sit will be entitled to first class rail fare and the cost of taxis where necessary at each end. If they use their own car, they will be entitled to a mileage allowance at rates fixed from time to time by the Department. For every night on which it is necessary for a Deputy District Judge to stay away from home, he or she will be entitled to a night subsistence allowance. Details of the current rates of mileage and night subsistence allowances will be notified to the Deputy District Judge by the staff of Her Majesty's Courts Service. Details of the rules governing the payment of these allowances will be supplied by the Area Director's Office. The rules governing and rates of these allowances may change from time to time, and any such changes will be notified. HM Revenue & Customs tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.

MATERNITY, PATERNITY AND ADOPTION LEAVE AND STATUTORY SICK PAY

38. Fee-paid judicial office holders are entitled to maternity, paternity and adoption leave and Statutory Sick Pay. Details of the operation of these entitlements will be provided to office holders as appropriate.

MEDIA GUIDANCE

39. Guidance on relations with the media will be provided by the Judicial Communications Office (JCO). The JCO provides communications support to judicial office holders in England and Wales (including salaried and fee-paid judges, tribunal members and magistrates). This includes advice on media issues such as mis-reporting and requests for interviews, as well as an external judicial website, an intranet and a newsletter for the judiciary. The JCO is based in the Royal Courts of Justice, is accountable to the Lord Chief Justice and is independent of any Government press office. The JCO's media team is available on 020 7073 4852, fax 020 7947 6544 or e-mail *press.enquiries@judiciary.gsi.gov.uk*. The out of hours pager number is 07659 550652.

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